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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,480	12/07/2000	William C.Y. Lee	G&C 139.146-US-U1	2461

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EXAMINER	
TSEGAYE, SABA	

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/733,480	LEE ET AL.	
	Examiner	Art Unit	
	Saba Tsegaye	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to the amendment filed 06/08/06. Claims 1-24 are pending. Currently no claims are in condition for allowance.

Claim Rejections - 35 USC § 103

2. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hjálmtysson et al. (US 6,493,325 B1) in view of Palermo (6,181,734 B1).

Regarding claims 1, 5, 9, 13, 17 and 21, Hjálmtysson disclose a method and system facilitate telephony over computer-based networks by which a party can encode a telephone call and notify the receiver of the call of the encoding or decoding technique appropriate for conducting the call. As shown in figs 1 and 2, internet phone 131 or standard telephone 125 (calling party) can notify the other internet phone 132 (called party) at beginning of the call and identify the coding/decoding technique the calling party wishes to use in connection with a telephone call to be completed between the calling party and the called party. Once notification is provided the called party can retrieve the decoder and encoder technique in software responding to the encoding technique identified by going to the location identified by the indirect reference or by simply loading the information directly received form the calling party. The called party can store the coding/decoding information either temporarily or permanently for further use (column 4, lines 14-42; column 5, line 64-column 6, line 24). However, Hjálmtysson does not expressly disclose loading one of a plurality of software-defined vocoders into the **called party's handset**.

Palermo teaches a radio communication system wherein a vocoder is loaded into the called party's handset based on the type of network (column 6, lines 3-11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement a system that loads a vocoder into the called party's handset, such as suggested by Palermo, in the system of Hjálmtysson. Doing so, the called party would easily adapt to the signaling requirements of the calling party by avoiding negotiation of signaling standards between the calling party and the called party (see Hjálmtysson; column 2, lines 12-14).

Regarding claims 2, 6, 10, 14, 18 and 22, Hjálmtysson discloses communication between telephone 126 and Internet phone 131 through different networks (Internet; PSTN). However, Hjálmtysson does not disclose vocoding conversions at the handset.

Palermo teaches a radio that includes a memory in which software for specific waveforms is stored (see fig. 8). The radio further includes one or more processors, which extract waveform specific software to process information for transmission or reception.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement a system that vocoding conversions at the handset, such as suggested by Palermo, in the system of Hjálmtysson in order the radio user selects stored vocoders on demand as communications requirement dictate (column 1, lines 61-63).

Regarding claims 3, 7, 11, 15 and 24, Hjálmtysson discloses that once the notification is provided the called party can retrieve the decoder and encoder technique by going to the location

identified by the indirect reference or by simply loading the information directly received from the calling party.

Regarding claims 4, 8, 12, 16 and 20, Hjálmtysson discloses the method wherein the notification is transmitted during call setup (column 4, lines 4-8).

Regarding claims 19 and 23, Hjálmtysson discloses that once the notification is provided the called party can retrieve the decoder and encoder technique by going to the location identified by the indirect reference or by simply loading the information directly received from the calling party. However, Hjálmtysson does not disclose vocoding conversions at the handset.

Palermo teaches a radio that includes a memory in which software for specific waveforms is stored (see fig. 8). The radio further includes one or more processors, which extract waveform specific software to process information for transmission or reception.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement a system that vocoding conversions at the handset, such as suggested by Palermo, in the system of Hjálmtysson in order the radio user selects stored vocoders on demand as communications requirement dictate (column 1, lines 61-63).

Response to Arguments

3. Applicant's arguments filed 06/08/06 have been fully considered but they are not persuasive. Applicant argues that Palermo does not teach "*loading a vocoder into a called party's handset based on a particular type of network communicating with a calling party's*

handset" and Hjálmtysson does not teach "*transmitting a notification to a called party's network that a calling party's handset is calling from a particular type of network, and then loading a vocoder into the called party's handset based on a transmitted notification*". It is respectfully submitted that the rejection is based on the combined teaching of the Hjálmtysson and the Palermo patents. Hjálmtysson clearly discloses a method that one of the parties defines to the other party the encoding/decoding technique to be used in the processing of the call. The definition can be either by supplying a copy of the application to the other party or by providing an indication reference to where the application can be obtained. Furthermore, Hjálmtysson discloses that the parties to a telephone call need not have the same telephone application software capabilities before the call is initiated. Palermo teaches a radio communication system wherein a vocoder is loaded into the called party's handset based on the type of network (column 6, lines 3-11). Examiner believes that the combination of Hjálmtysson and Palermo reference is proper and therefore, the rejection is maintained.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (571) 272-3091. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on (571) 272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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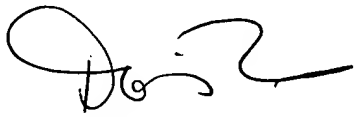
August 11, 2006



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